

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL CASE NO. 5:18-cv-00073-MR

BERWYN ROBINSON,)
)
Plaintiff,)
)
vs.) ORDER
)
ALEXANDER CORRECTIONAL)
INSTITUTION and KENNETH)
BEAVER,)
)
Defendants.)
)

THIS MATTER is before the Court *sua sponte* for a periodic status review.

The *pro se* Plaintiff filed this action pursuant to 42 U.S.C. § 1983 in the Eastern District of North Carolina in April 2018. [Doc. 1]. On April 25, 2018, the action was transferred to this Court. [Doc. 2]. That same day, the Clerk of this Court entered a Notice of Deficiency, informing the Plaintiff of his obligation to either pay the \$400 filing fee or file an application to proceed without prepayment of fees, and cautioning him that the failure to do so within 21 days may result in the dismissal of this action. [Doc. 4]. The Clerk

provided a blank application to proceed without prepayment of fees along with the Notice of Deficiency. [See id.]

On April 27, 2018, the Court entered an Order, noting that the Plaintiff's filing was "subject to dismissal due to a number of deficiencies, not the least of which is that he fails to set forth any facts supporting any kind of claim." [Doc. 5 at 1]. The Court instructed the Clerk to mail the Plaintiff a blank form on which to file an amended § 1983 complaint. The Plaintiff was specifically warned that "failure to file an amended complaint on the form provided shall result in dismissal of this action without further notice from the Court." [Id. at 2].

On April 24, 2020, this matter was assigned to the undersigned. Upon review of the docket, the Court notes that the Plaintiff has not paid the filing fee or filed an application to proceed without prepaying the fee, and the deadline to do so has expired. Further, although the Plaintiff filed documents captioned "Amended Complaint" and "Complaint of Order"¹ subsequent to the Court's Order of April 27, 2018 [see Docs. 6, 7], these documents were not filed on the blank forms that the Court previously provided the Plaintiff to

¹ While the Plaintiff's filings are difficult to decipher, it appears that this "Complaint of Order" includes a request to proceed *in forma pauperis*. [See Doc. 6 at 1]. The Plaintiff, however, has provided no information by which the Court can make a determination of the Plaintiff's ability to pay.

use. The Plaintiff was previously warned that failure to pay the filing fee or file an application to proceed without prepaying such fee could result in the dismissal of this action. The Plaintiff was also warned that failure to use the § 1983 form for the filing of his amended complaint would result in the dismissal of this action. As the Plaintiff has failed to heed these warnings, this action must be dismissed.

IT IS, THEREFORE, ORDERED that this action is **DISMISSED WITHOUT PREJUDICE.**

The Clerk of Court is directed to close this civil action.

IT IS SO ORDERED.



Martin Reidinger
Chief United States District Judge

